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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of

Implementation of the Cable
Television Consumer Protection
Act of 1992; Rate Regulation

MM Docket No. 92-266

To: The Commission - Mail Stop 1170

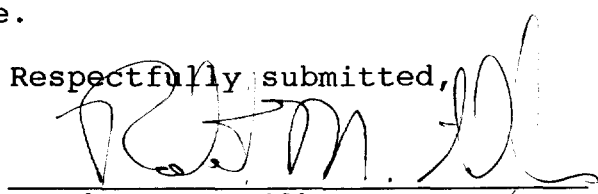
EX PARTE REQUEST FOR CORRECTION OF THE RECORD

1. The National Captioning Institute, Inc. ("NCI") hereby requests that the record in the above-captioned proceeding be corrected to include NCI's attached Comments, if they are not already a part of that record. These Comments were timely filed on January 27, 1993, labeled with the correct title but inadvertently using an incorrect docket number.

2. From an inspection of the Commission's public reference files, it appears that NCI's comments were filed in the docket folder associated with the erroneous docket number. Since they were timely filed and belong in MM Docket No. 92-266, it is requested that they be incorporated into the record of MM Docket No. 92-266, either as timely filed comments or as an ex parte filing as of today's date.

Respectfully submitted,

March 6, 1993


Robert M. Silber
Corporate Attorney

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List A B C D E

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of)
) MM Docket No. 92-305
Implementation of the Cable)
Television Consumer Protection)
Act of 1992; Rate Regulation)

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JAN 27 1993

To: The Commission

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

COMMENTS OF THE NATIONAL CAPTIONING INSTITUTE, INC.

1. The National Captioning Institute, Inc. ("NCI") hereby submits its comments in response to the Commission's amendments to its rules to implement the Cable Television Consumer Protection and Competition Act of 1992 ("Cable Act"), proposed in its Notice of Proposed Rule Making in MM Docket No. 92-266, FCC 92-544, that appeared in 58 Fed. Reg. 48 on January 4, 1993.

2. NCI is a nonprofit corporation created by Congress in 1979 and is the leading organization providing captioning services to the television industry. NCI has spearheaded the development of captioning equipment and, for the last twelve years, was the sole manufacturer of closed-captioning decoders (TeleCaption™) for the consumer market. NCI also developed integrated circuit technology for use in television receivers in compliance with the Television Decoder Circuitry Act of 1990. NCI has worked closely with cable system operators and cable television program producers to individually or collectively support the cost of closed-captioning cable television programs.

3. The Cable Act's legislative history shows strong congressional interest in having cable systems provide more captioned programs for their subscribers than they do at present. Accordingly, the rules adopted by the Commission in this proceeding should provide as much positive incentive as possible for cable systems to carry more closed-captioned programs. NCI suggests that any expenditure for captioning incurred by a cable system should be an allowable cost that is fully recoverable by the cable system under any cost-based system of rate regulation.

**The Cable Act Reflects Strong Public Interest in
Encouraging Cable Systems To Increase the Number of
Cablecast Captioned Programs.**

4. The Cable Act's legislative history reveals a strong congressional interest in having cable systems assume a fair share of the responsibility to have the programs they deliver to homes be captioned. The House Committee on Energy and Commerce, for example, noted the percentage of cablecast programs that appear with captions is well below the percentage of broadcast programs that appear with captions and urged "the cable industry to be more responsive . . . by captioning more of its programming."^{1/} Additionally, at least one member of Congress, Rep. Dennis E. Eckart, has gone on record with similar sentiments.^{2/}

^{1/} See H.R. Rep. No. 102-628 at p. 93.

^{2/} See Congressional Record, October 9, 1992, at pp. E3295.

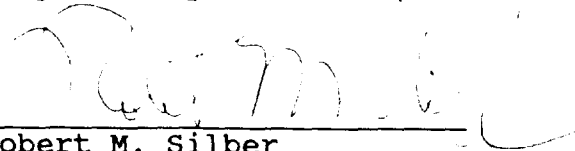
**The Commission Should Provide the Means Through Which
a Cable System Can Properly Increase the Amount of
Programs It Closed-Captions.**

5. Given the Congressional interest in having cable systems increase the amount of captioned programs they deliver to subscribers, any Commission regulation of cable rates based on a cable system's costs should allow full recovery of all costs of captioning incurred by the cable system.

Conclusion

6. The Commission's adoption of NCI's suggested rules for this proceeding will ensure that the clear Congressional determination to have cable systems increase the amount of closed captioning of programs they deliver to subscribers is implemented for the benefit of deaf and hard of hearing people.

Respectfully submitted,



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January 27, 1993